

EXHIBIT 1
(Deposition of Jobbie Flowers)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

JOBBIE FLOWERS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	3:20-CV-517-RJC-DCK
ELECTROLUX NORTH AMERICA, INC.,)	
)	
Defendant.)	

DEPOSITION
OF
JOBBIE FLOWERS
(via Zoom in Mecklenburg County)

Taken at:

Fisher & Phillips, LLP
227 West Trade Street, Suite 2020
Charlotte, North Carolina

On Tuesday, March 16, 2021

REPORTER: ANITA INGRAM
Notary Public
(via Zoom in Mecklenburg County)



1 Q. What about Instagram?

2 A. Yes, I use Instagram.

3 Q. Snapchat?

4 A. No.

5 Q. TikTok?

6 A. No.

7 Q. Reddit?

8 A. Actually, I do use TikTok when my daughter is on it. I'll
9 watch her TikTok sometimes, but I don't personally use
10 TikTok myself.

11 Q. Reddit?

12 A. Yes, I actually do. I did sign up for Reddit. Yes, I do
13 have Reddit.

14 Q. How about LinkedIn?

15 A. I do have the LinkedIn as well.

16 Q. Tumblr?

17 A. No.

18 Q. What is your user name on Facebook?

19 A. J-o-b Flowers.

20 Q. What about Instagram?

21 A. Instagram is -- it's actually not my personal page. It's a
22 page that I created for a business that I'm trying to start
23 called Multi REI Carolinas, and I can spell that for you if
24 you'd like.

25 Q. Is it M-u-l-t-i R-E-I C-a-r-o-l-i-n-a-s?

1 A. That was somewhere around 1995, I believe. It's been quite
2 some time.

3 Q. Have you had any formal education since getting your GED?

4 A. Just technical training, and I've taken some courses at
5 Emmanuel College in Boston and some online courses, but
6 that was 20 years ago. Most of my education has come from
7 training, on-the-job training and special training provided
8 by my employers.

9 Q. And I'll just confess: I don't know a great deal about how
10 things work in the world of IT, but are there professional
11 certificates or credentials that you hold?

12 A. No, just specialized training.

13 Q. Now, can you describe for me the jobs you've had since you
14 left high school?

15 A. While I was in high school, I went to a work study school,
16 so I worked half a day and went to school half a day. I
17 worked for the Bank of Boston. I started there back in
18 1990, and I worked with them until about 1992.

19 After that, I worked at -- I worked in Atlanta. When
20 I moved to Atlanta, I worked at a company called Total
21 Audio Visual Services, TAVS, Total Audio Visual Services,
22 and I worked in the business center at the Hyatt Regency
23 Hotel, and I helped to set up AV equipment.

24 After that, I worked at Wentworth College in Boston,
25 Massachusetts, and I worked as an HR person. I helped with

1 HR data at Wentworth. After that, I worked at The Gillette
2 Company, and I worked with them for three years.

3 After The Gillette Company, I worked in PeopleSoft
4 there on payroll -- PeopleSoft Payroll. After The Gillette
5 Company, I worked at a company named Exult here in
6 Charlotte, North Carolina, and I worked as a PeopleSoft
7 Payroll analyst, a data analyst. After that, I worked for
8 a company called Hewitt. Exult was bought out by a company
9 called Hewitt and Associates, and I worked for Hewitt for a
10 few years as well. After Hewitt, I worked at Transamerica
11 Reinsurance, and I worked as a financial assistant analyst
12 working on financial data, things like that. After that, I
13 worked as a consultant at Wells Fargo.

14 And at Wells Fargo, I worked there for -- a one-year
15 contract, and I helped in Fort Mill at their home mortgage
16 center doing developing work. I helped develop a system
17 for Wells Fargo to help track their (inaudible) programs.

18 THE COURT REPORTER: Sorry. I'm sorry, "to help
19 track their" what?

20 A. It's a home mortgage --

21 THE COURT REPORTER: But you said, "to track
22 their" -- I didn't catch that.

23 A. It was a program called HAMP, H-A-M-P, and it was a home
24 mortgage program that they had for folks that defaulted on
25 their mortgages. It was called H-A-M-P. It was an acronym

1 Q. So tell me about the process of going from temp to perm, as
2 it were. Did you have to fill out an application at
3 Electrolux?

4 A. Yes, I did.

5 Q. And did you have to interview for the job?

6 A. Yes, I did. I did have to interview for the job, but they
7 really wanted me, so it was -- I did have to interview for
8 the job, yes.

9 Q. Do you recall --

10 A. I interviewed with my -- pardon me. I interviewed with my
11 manager, who wanted to hire me.

12 Q. And who was that?

13 A. Javier Balderrama.

14 Q. Is that the only interview that you had to have?

15 A. Yes.

16 Q. What position were you hired for?

17 A. Application support analyst.

18 Q. Was this a full-time or a part-time position?

19 A. It was a full-time position.

20 Q. Was it salaried or hourly?

21 A. It was salaried.

22 Q. And what hours did you normally work?

23 A. From 8:00 to 5:00.

24 Q. Five days a week?

25 A. Yes.



1 Q. Was the job at the Electrolux North America headquarters
2 building?

3 A. Yes.

4 Q. Now, Mr. Balderrama was your supervisor when you were
5 hired --

6 A. Yes --

7 Q. -- correct?

8 A. -- he was my manager. Yes, that is correct.

9 Q. Who was your immediate supervisor?

10 A. I reported directly to Javier Balderrama.

11 Q. And how long did you report to him?

12 A. For about two or three years. They switched managers after
13 about two or three years. After I reported to Javier
14 Balderrama, I reported to someone named Mike Daniel.

15 Q. Now, when you were at Electrolux, did the company have an
16 employee handbook for salaried employees?

17 A. Yes.

18 MR. ALEXANDER: This is going to be -- what I
19 would like to do, if we can make this work, is to have the
20 court reporter put the first page of our Exhibit 1 on the
21 screen.

22 Q. (By Mr. Alexander) And let me tell you, Mr. Flowers, I'm
23 not going to ask you any questions about what's in the
24 handbook. My only question for you is: Does this appear
25 to be the handbook that was in effect when you were last

1 employee handbook that I received. But yes, this does look
2 familiar.

3 Q. So did the company issue a hard copy of the handbook to
4 you, or did they have it posted on a site where it was
5 available?

6 A. I may have received a hard copy and an electronic copy.

7 Q. Now, you told me that, when hired, you were working as an
8 application support analyst. Can you tell me what that job
9 involved?

10 A. It involved addressing any technical issues that we had
11 with our .Net applications and some of our other web-based
12 applications. So if you were to log in -- let's say, for
13 example, you were having problems getting your Zoom to work
14 during this deposition, you could log a ticket, call in --
15 either call in to the help desk or you can go ahead and
16 submit an email request for some help. And if it was an
17 application that I was -- I supported, that ticket would
18 come to me, and I would help get those issues resolved.

19 Q. Okay.

20 A. That was the primary role for that position as an
21 application support analyst.

22 Q. I want to back up and ask you about those tickets, and then
23 I want to ask a few more questions about the application
24 support analyst role. So you said, "log a ticket." Tell
25 me what the ticket is.

1 A. It would be -- if we could use your -- the issue that you
2 had with the Zoom call earlier this morning.

3 Q. Sure.

4 A. It could just be any kind of technical issue. You can't
5 hear something on your headset, right? If you have an
6 issue like that, you would contact the help desk. That
7 ticket would come to me in this example, and I would help
8 you resolve that issue.

9 Q. So if I have the problem, I called the help desk, tell them
10 what the problem is. At that point a ticket was going to
11 get created; is that right?

12 A. Yes, that is correct.

13 Q. And if the help desk can help me, then I assume the help
14 desk would. And if they can't, they're going to send that
15 ticket to someone who can?

16 A. That's correct.

17 Q. And so if you're the person who supports that application,
18 then the ticket would go to you. And would you then
19 contact me and help me work through my problem?

20 A. Yes.

21 Q. And if it turned out that the problem was something that
22 was not in your area of expertise, would you pass the
23 ticket along to someone else?

24 A. Yes. We have different levels of support. We have
25 level 1, level 2, and level 3. I worked in level 2

1 than just resolve tickets from the very beginning, which is
2 one of the reasons why they wanted to hire me permanent,
3 because, I mean, I'm a thinker. I like to think outside
4 the box.

5 So what I began to do is I started creating business
6 process documentation that they did not have before I
7 arrived at that company. Before I got that role, they did
8 not have any business processes created, so I would create
9 business process maps. I created a lot of documentation
10 and a lot of wiki sites, internal wiki sites that they
11 didn't have before. So I did a lot of documentation of
12 processes.

13 I also created business requirements documents, a lot
14 of business requirements documents. So I would meet with
15 some of the users, even like on the legal team. If the
16 legal team had an issue that they wanted resolved or if
17 they had an enhancement that they wanted -- let's say for
18 Worldox. Are you familiar with Worldox, the Worldox
19 application?

20 Q. No.

21 A. Okay. So there's an application in legal that they use
22 called Worldox. And if someone in legal said, "Hey, I want
23 to make an enhancement to this application," someone would
24 have to gather those requirements to find out what it is
25 that they're really asking for. I would be the person that

1 different kinds of applications or different kinds of
2 problems at level 2.

3 A. Yes, yes. We had an AS/400 team that worked on AS/400. We
4 had a J.D. Edwards team that worked just on J.D. Edwards
5 applications that we were involved in. And I'm not sure
6 how this was -- the first structure went, but yeah, there
7 were other teams that handled other applications.

8 Q. Now, during your years with Electrolux, did you have any
9 outside interests or activities?

10 A. Yes, of course I did.

11 Q. Tell me about those.

12 A. A lot of it centered around volunteer work and giving back.
13 I worked a lot with Crisis Assistance Ministry. Actually,
14 Electrolux introduced me to Crisis Assistance Ministry.

15 I also worked with Lakewood Community that Electrolux
16 also introduced me to through their volunteer program. So
17 outside of work, I did a lot of volunteer work, and a lot
18 of it centered around helping the homeless. Electrolux was
19 a great part of me getting involved with that, and they
20 helped support me through my volunteer activities outside
21 in the community.

22 So at Crisis Assistance Ministry, the people that I
23 worked with recognized me as an Electrolux employee giving
24 back, and I'm the person that worked there every single
25 week. Every Saturday, if you went to drop off any

1 donations at Crisis Assistance Ministry, you most likely
2 dropped those donations off to me.

3 It got to the point where managers at Electrolux would
4 actually bring in donations just so I could bring them to
5 Crisis Assistance Ministry. So yeah, that's what I did
6 primarily outside of work.

7 I also said I wanted to give back in a bigger way. I
8 didn't want to just collect donations because I felt that I
9 was in a position to be able to help in a bigger way. So
10 one of the things that I did was I bought a property that I
11 use to work with the United Way who has a rapid re-housing
12 program to help house homeless veterans in Forsyth County
13 as well as in Mecklenburg County. And I help those
14 homeless veterans get urban housing through their rapid
15 re-housing program. So those are the things that are my
16 real passion outside of working at Electrolux. That's what
17 I do; I give back.

18 Q. So let me -- this is a little curious about the property
19 you said you bought. Is that like a home that could be
20 used for temporary housing?

21 A. It could be in some cases. It could be used for temporary
22 housing. But what I really try to do is transition
23 veterans to permanent housing. So with this rapid
24 re-housing program, a veteran will get a voucher from
25 United Way that will pay their rent for six months while

1 A. If I were to create a user story using that as an example,
2 I would create a user story saying that when you open Zoom,
3 there is a mute button. I would want to be able to click
4 that mute button and mute myself from speaking. And when I
5 deselect it, then I will be unmuted. I would create a user
6 story that talks about how that functionality should work,
7 and the developer will take that user story and use that to
8 develop this cloud application.

9 Q. Now, in using our Zoom example, would a review of the basic
10 Zoom controls, start video/stop video, mute/unmute, would
11 that be a single user story, or would each one be
12 considered a separate user story?

13 A. It would be a separate user story, but -- yeah, it would be
14 a separate user story, but I want to just back up for a
15 minute. I'm not an expert on creating user stories. This
16 whole DevOps -- this is a DevOps concept, and this is
17 something that I only used maybe a month or two before
18 being terminated. I'm not an expert on user stories. I
19 don't have years of experience creating user stories or
20 anything like that. I only have a few months of exposure
21 to user stories and creating user stories, so I'm not an
22 expert on that.

23 Q. So you mentioned DevOps a couple of times. Can you
24 describe briefly what that is?

25 A. DevOps is a fairly new concept that has to do with how you

1 develop an application on a cloud platform, and that's
2 something that -- again, that's something that I'm pretty
3 new with learning. I haven't had much formal training on
4 the DevOps concept, but it was something that we wanted to
5 try to implement right before I left Electrolux.

6 Q. Okay.

7 A. So I don't have years of experience with that.

8 Q. And then you mentioned SupplierWeb. Can you describe what
9 that is?

10 A. SupplierWeb is an application that Electrolux suppliers use
11 to load long-term and short-term requirements for parts and
12 things like that, and it's an application that we've
13 been -- that we implemented many years ago for suppliers
14 and engineers to be able to access, and material suppliers.

15 Q. So DevOps was new, but SupplierWeb was old?

16 A. That is correct. And please forgive me. I'm trying to
17 recollect and recall, but I haven't used those applications
18 for over a year now, so --

19 Q. I understand. Now, Mr. Flowers, you mentioned that one of
20 the things that you did when you worked at Electrolux as a
21 temp that sounded like got you noticed was working on
22 documentation for different things where there was not any
23 before; is that right?

24 A. Yes, that is correct.

25 Q. And I'm just thinking about these user stories. Would it

1 Q. I mean, well, you said you were in the original position
2 until about 2015. And what I meant to ask was: What
3 changed in 2015?

4 A. Okay. So in 2015 I was promoted to application support
5 team lead, and that wasn't a position that I applied for.
6 The director at the time, Jacob From, recognized all the
7 hard work that I've done over the last few years and some
8 of the hard work I've done implementing a new system, and
9 he identified me as a resource that he wanted to recognize.
10 So they gave me a promotion as team lead.

11 And when I was -- when I got the promotion as team
12 lead, I actually didn't have a manager at the time. I
13 don't believe I had a manager at the time. I don't
14 remember 100 percent. But when they promoted me as a team
15 lead, at some point I no longer had a manager at some
16 point, and I became kind of like the fill-in manager in
17 that role as team lead.

18 But in 2015 that's when I got the official promotion
19 as team leader for the application support team.

20 Q. During the time that you were a team lead and did not have
21 a manager, were you reporting directly to the director?

22 A. Yes, Brenda Simpson.

23 Q. And during that time did you have any responsibility for
24 anyone who was not on your team?

25 A. Yes.

1 Q. Who did you have responsibility for that was not on your
2 team?

3 A. I had responsibility for two other people: Robert Kean,
4 who was our .Net developer; and Rick Stovall, who worked as
5 a project manager.

6 Q. Now, during that time, did you have the authority to grant
7 time off to employees on your team?

8 A. Yes, I could if I -- yeah, I could.

9 Q. Did you write performance appraisals for members of your
10 team?

11 A. No, I did not.

12 Q. Did you consult or participate in the preparation of
13 performance appraisals for members on your team?

14 A. Yes, I did. And if I could add to that --

15 Q. Sure.

16 A. -- I -- so in twenty- -- I believe -- I want to say 2017,
17 the HR department at Electrolux approached me and they
18 asked me to be an HRBP. That stands for an HR business
19 partner. They wanted me to become an HRBP for the
20 implementation of a new system that they were rolling out
21 called Talent One. So I worked closely with HR to roll out
22 this new system called Talent One that helped you manage
23 your performance reviews. Before Talent One was
24 implemented, all performance reviews were done on paper.

25 So HR came to me and said, "We need someone from IT to

1 Who would you consult with or give your thoughts to?

2 A. To all of my team members. Every team member I had, I -- I
3 helped with it. So it would be Adrian Seagers, Jason
4 Roten, Ravi Doshi, Sertac Kargi, all of my team members,
5 Roy Harris. I would consult with all of them on
6 performance reviews, help them collect the metrics for SLAs
7 and things like that and help them, you know, learn how to
8 use the new tools and help them write their performance
9 reviews in general.

10 Q. So you were helping team members prepare their part of the
11 review?

12 A. That is correct. That is correct.

13 Q. I'm thinking now about the other side, the manager or
14 director's part of the review. Were you involved in
15 preparation of that?

16 A. No. No, I was not.

17 Q. Now, did you participate in any hiring or firing decisions?

18 A. Yes.

19 Q. Which? Or tell me about that.

20 A. So I helped hire three employees: Adrian Seagers, Jason
21 Roten, and Ravi Doshi. I interviewed them, and I made the
22 final deci- -- well, the manager made the final decision,
23 but I screened them and interviewed all three of them. I
24 am the one that selected their résumés from A to Z. I'm
25 the person who met with the contract company that we would

1 get these employees from. Accenture was who we used to
2 source some of our IT folks. So all of them came through
3 Accenture, and I hired all three -- I helped to hire all
4 three.

5 Q. Now, did these people ever become regular Electrolux
6 employees?

7 A. Yes, all three did.

8 Q. So when you talk about the hiring decision, was that the
9 decision that, "Among the candidates Accenture has
10 presented to us, these are the ones we like"? Was that the
11 decision?

12 A. Yes.

13 Q. And then when the decision was made to make them regular
14 Electrolux employees, were you involved in that decision?

15 A. Yes.

16 Q. And what was your involvement there?

17 A. Recommending that they be hired permanent to the management
18 team.

19 Q. And who had the final decision-making authority in that
20 case?

21 A. The management made the final decision.

22 Q. Did the manager ever decline to hire someone who you
23 recommended?

24 MS. GESSNER: Object to form.

25 Q. (By Mr. Alexander) I'm not exactly sure what was wrong with

1 A. But yes, I've had conversations with management about the
2 performance of employees on my team in general, but I can't
3 remember a specific situation where they said, "I'm writing
4 this person a warning. Tell me how you feel." I
5 haven't -- I don't recall that.

6 Q. So you would provide information to the manager and the
7 manager would do with it as he or she deemed appropriate;
8 is that --

9 A. Yes.

10 Q. Now, did your compensation change when you became a team
11 lead?

12 A. Yes, they gave me a raise.

13 Q. Okay.

14 A. I received a bonus, and I received -- I received a bonus
15 for performance, and I've also received raises.

16 Q. Let me ask about the bonus. Did you ever receive bonuses
17 before you became a team lead?

18 A. If I recall, yes.

19 Q. Did you --

20 A. So I just want to --

21 Q. Go ahead.

22 A. Pardon. Please go ahead.

23 Q. When you became team lead, did you receive a special bonus
24 because you were now a team lead?

25 A. I can't recall. I know I received bonuses, but not a

1 Q. What were those?

2 A. Okay. I'll have to say no. I still did everything that I
3 did before, but I didn't do as much of it. For example,
4 when I had other roles that I was assigned, I would do --
5 manage less help desk tickets. My team members would
6 handle the bulk of the help desk tickets. They would
7 handle most of the tickets. I just chipped in here and
8 there, but primarily my team members did most of the help
9 desk tickets while I focused on other things like being the
10 relationship manager, being the change advisory board lead.
11 I had all these other roles that I helped out with as well.
12 So I won't say that I didn't do any of those things
13 anymore. I would just say that I did less of it.

14 Q. Well, and that raises an interesting question. Once you
15 became the team lead, was it your responsibility to assign
16 tickets to people as they came in?

17 A. Sometimes we did. Yes, sometimes I did that.

18 Q. If a ticket came up and you had not assigned it to someone,
19 who would get the ticket?

20 A. My entire team always went in every single -- no one would
21 get the ticket, to answer your question. If it wasn't --
22 no one would get the ticket. So we have a help desk queue
23 that's monitored by the entire team. So we took our own
24 initiative to go out and accept those tickets and assign
25 them to ourselves. So if I didn't assign it to a team

1 A. Great, great. If I recall, he's given me "Exceeds
2 expectations" on my performance reviews. I also believe
3 that Mike Daniel also gave me "Exceeds expectations" on my
4 performance reviews, and not very many employees get that.
5 So with Javier, we had a great relationship. Up until I
6 left/until I was terminated, we had a great relationship.

7 Q. And how was your relationship with Brenda Simpson?

8 A. Great. Great relationship with Brenda Simpson. I've --
9 you know, I knew Brenda Simpson for the last nine years. I
10 didn't have a bad relationship with Brenda Simpson at all,
11 I don't think I did. I don't think I had a bad
12 relationship with any of my previous managers either. I
13 can't say that I had a terrible relationship with them.

14 Q. So tell me what was different about Ms. Rawat.

15 A. She -- please rephrase that question. I want to make sure
16 I understand it and I answer it correctly.

17 Q. Well, you just told me that you had good relationships with
18 all your prior managers. It appears there were some issues
19 with Ms. Rawat. So my question is: What was different?
20 How was that different?

21 A. Ms. Rawat didn't like me for one reason or another, so she
22 was always talking down to me. She was just very mean to
23 me. She treated me differently than anyone else on the
24 team. And, you know, it was evident. It was something
25 that couldn't even be hidden.

1 talk with Alexa about?

2 A. Okay. I can -- I can walk you through that. Can we go
3 back to the initial email --

4 Q. Sure.

5 A. -- all the way at the bottom? I can just walk you through
6 all of this. Okay. So on July 19th, we had a daily
7 stand-up meeting. It's like a team meeting, a quick team
8 meeting that we had in the morning. And while I was in
9 that team meeting, Kopal is being very -- very mean to me
10 again. We didn't see eye to eye on something, and she was
11 really being kind of -- being, I would say bordering on
12 belligerent or -- she was just very, very mean and what I
13 feel was aggression. And note that this is July 19th. I
14 had worked with Kopal for about seven months. I think she
15 was hired in July [sic]. And after seven months of dealing
16 with this and tried to resolve the issues on my own, I
17 asked Kopal after I left the stand-up meeting, "Kopal" --
18 because I wanted to be respectful of her as being my
19 manager, I wanted to ask Kopal -- "can you reach out to HR
20 so we can sit down and resolve our issues?"

21 And I had no qualms with doing that because you have
22 to realize just a year or two prior I worked with HR as an
23 IT HRBP. I helped implement the Talent One performance
24 metric system, so I felt as the IT team lead, as someone
25 who served on the leadership team by presenting at town

1 and help us with this issue 'cause, again, I had a great
2 relationship with all the management team as well as HR, I
3 thought. So that's what this is.

4 Q. Now, as a result of this email correspondence, did you have
5 a meeting with Alexa Moor?

6 A. Yes. She couldn't have a meeting immediately, so -- I
7 didn't see it here, but she had a meeting, and she couldn't
8 meet immediately, so she wanted to schedule it for August.
9 So she sent me an invite for a meeting in August because I
10 believe she was going on vacation for a few weeks, and when
11 she came back she wanted to meet with us. So we waited a
12 few weeks, and we got together in her office.

13 Q. Tell me about that meeting.

14 A. I'll try and tell you what I can remember. Kopal and I
15 walked together to HR. If I recall, we walked together to
16 HR. I've always been very personable and cordial to her.
17 We walked together and chatted, I believe, on our way to
18 HR. We met with Alexa, and we -- I kind of told Alexa some
19 of the things that I faced and wanted to see, you know, how
20 she could help us with maybe training or something, you
21 know, what we can do.

22 But between the time that I requested a meeting with
23 HR and we got to HR, Kopal, she became nicer during that
24 period, right? Between the time that I requested to meet
25 with HR and by the time we got to HR, she was very nice,

1 and she acted like she wanted to work with me.

2 So during that meeting Alexa asked, "So where do you
3 guys want to go from here? Do you want to continue to just
4 try to meet more frequently?" Because one of the things
5 that I suggested -- I made a suggestion during that
6 meeting, and I said, "Well, maybe if Kopal and I met more
7 frequently" -- because we never really meet. We just have
8 our daily standup -- "maybe if we can meet more frequently,
9 maybe once a week, and kind of level set as, you know, team
10 lead to manager, she can tell me, you know, some of the
11 things that she might want me to do, and I can tell her
12 about my week or whatever, some of the things that I've
13 experienced with my projects and team members and things
14 like that."

15 So after that meeting she said, "Why don't you guys go
16 ahead and meet more frequently just you and Kopal
17 one-on-one."

18 And I said, "Great," because we really hadn't had
19 one-on-ones. A one-on-one is a one-on-one meeting with
20 your manager.

21 Before Kopal came, I had one-on-one meetings at least
22 once a month with all of my team members just so I could
23 see where they're at and they can come to me with any
24 issues that they're having, whether it be they want to just
25 talk about some personal issue that they had at home or why

1 they -- or they may want to say, "Hey, I need to come in
2 late all of next week because I have to take someone here."
3 I would have one-on-one meetings all the time.

4 But Kopal didn't have a lot of one-on-one meetings, so
5 I decided, "Why don't we have a one-on-one meeting," and we
6 just set it up on our calendar that we make sure that we --
7 we -- we -- we have every single -- every single week. And
8 that's what came out of the meeting. After that, the
9 one-on-one meeting became -- so I'll just leave it there.

10 Q. Okay.

11 A. I'll leave it there, yes.

12 Q. So do I understand you to say that you had never had
13 one-on-one meetings with Kopal prior to this August meeting
14 with Alexa when you-all decided to proceed in that
15 direction?

16 A. So I asked Kopal once prior to have one-on-one meetings, so
17 she set up one-on-one meetings with me and the team, but
18 she never made the meetings, so --

19 Q. Okay. Now, so let's -- well, now, let me ask this: Did
20 Kopal have one-on-one meetings with other people on your
21 team?

22 A. I'm sorry, but I can't answer that question. I know that
23 she had some scheduled, but I can't tell you whether or not
24 the one-on-one meetings actually happened. I know that
25 some of my team members complained, but I don't know. I

1 can't answer that question, I'm sorry.

2 Q. I want to then shift to your one-on-one meetings with
3 Kopal. Do you recall when the first one occurred?

4 A. So you're asking when the first one occurred after meeting
5 with Alexa --

6 Q. Alexa.

7 A. -- Moor?

8 Q. Yes, yes, thank you. Yes, that's what I was trying to ask.

9 A. I believe that happened the next week. The week after we
10 met with Alexa, we had a meeting, and that first meeting
11 was -- it wasn't what I expected at all. But yes, we met
12 maybe a week after meeting with Alexa.

13 Q. What did you expect?

14 A. My expectation is that it would be a typical one-on-one
15 meeting. I've had many in the past. I've had other
16 managers have one-on-one meetings with me, and I've had
17 one-on-one meetings with my team.

18 And in one-on-one meetings my expectation is to go
19 over some of the projects that we had lined up, things like
20 that. But this was, it came -- in my opinion, it came
21 across as something that was very combative. It felt like
22 it was -- it wasn't the type of one-on-one meeting that I
23 thought we would have.

24 It seemed like -- after we met with Alexa, it seemed
25 like the one-on-one meetings from here on out was all to

1 just gather documentation, and that was it. It didn't seem
2 like it had anything to do with me performing better or us
3 working together better as a team. It didn't seem that way
4 at all in that first one that we had. It just wasn't what
5 I expected.

6 Q. All right. Let me --

7 A. It (inaudible) things got worse.

8 THE COURT REPORTER: I'm sorry, I didn't hear
9 you.

10 A. It felt like things got worse. Sorry, I won't overtalk you
11 again. Sorry about that.

12 Q. Let me ask this: Was the meeting different in tone from
13 what you expected? Was it different in substance from what
14 you expected?

15 A. I would have to say both.

16 Q. Both, okay. Now, in what way was it different in substance
17 from what you expected?

18 A. I thought it would be more about what direction she wanted
19 us to go in as a team, how to better our relationship as
20 manager and team lead so we can work together more
21 effectively, as well as outline some of the tasks for our
22 team.

23 But everything in the one-on-one meeting was centered
24 around something very different. It had to do with: I
25 sent you an email on this date and you haven't responded to

1 me yet. It was very com- -- it didn't feel like we were
2 working together. It seemed like it was really just to
3 collect documentation, is really -- is what it really felt
4 like to me. And that's just me and my -- that's what I
5 felt.

6 I felt like it got a lot worse because, remember,
7 we've had one-on-one meetings before. We just didn't have
8 them frequently. She scheduled them. I think she started
9 working there in January, and we had meetings, her and I,
10 in the very beginning when she first started working there.
11 In January and February we met, and our one-on-one meetings
12 were nothing like this new one-on-one meeting that we had.
13 It was like she was out for the kill. So it was a very
14 different type of one-on-one meeting.

15 And in my opinion, the reason why I really didn't go
16 back and say: Okay, we're going to run back and go to HR
17 again because this is not what I -- you know, from my
18 understanding or the way that I felt is, well, she may be
19 upset that I went to HR, thinking that I was telling HR on
20 her. So that may be why she's acting like this, so I
21 didn't say anything about it. We just continued on having
22 our one-on-one meetings, and I just put up with it and
23 that's it.

24 Q. I'm going to ask Ben to put up Exhibit 3, which is an
25 email.

1 A. I won't be able to recall exactly, but she didn't, number
2 one, want me to have an opinion on a lot of things, so it
3 was probably another situation where I made a suggestion
4 and she kind of just lit in on me. It was one of those
5 situations. I can't tell you exactly what the conversation
6 was. It's been so long, I don't remember the exact
7 conversation. But I know how I felt, and that's evident by
8 the last sentence in this email, the way that I ended it,
9 "if you don't fire me first." That can kind of tell you
10 how I was feeling.

11 Q. All right. I appreciate that, and what we're going to do
12 now is scroll up so that you can take a look at the email
13 sent in response, and just read that. And when you need us
14 to scroll down, just please say so.

15 THE WITNESS: You can scroll up. Yes. You can
16 scroll up.

17 A. Yes, I do remember that.

18 Q. Okay. In her email, Kopal includes her minutes of the
19 one-on-one meeting. Were those minutes accurate?

20 A. I would have to say that what I just read sounded like -- I
21 won't say -- I can't respond and say if they're accurate
22 for what I can recall, but I do recognize this email.

23 Q. I'm sorry, I did not hear your last few words. You said
24 you do recognize --

25 A. I do recognize this email.



1 MR. ALEXANDER: Can you go down to the bottom?

2 Scroll down, Ben.

3 Q. (By Mr. Alexander) All right. There is this September 20th
4 email from you to Kopal. Do you recall this email,
5 Mr. Flowers?

6 A. Yes, I do.

7 Q. Is this -- and this is being sent on September 23rd. Is
8 this in response to the one on -- is this in response to
9 Kopal's reply after the September 19th one-on-one, or was
10 there another one-on-one in between?

11 A. I don't remember the exact dates. I don't remember
12 exactly, but I don't think this was in response to the
13 first one-on-one that we had, I don't believe that. I
14 don't know which one-on-one -- I don't even know if this
15 was in response to a one-on-one, I don't.

16 Q. All right. Well, that leads me to my next question, which
17 is: Was there some incident, some discussion, something
18 that triggered your decision to request a mediator?

19 A. I just felt like I was being bullied a lot. You can see by
20 the documentation that she keeps, that -- from the very
21 beginning, that there is proof. That from the very
22 beginning, from the very first one-on-one, she wanted to
23 take as much documentation that she could because she knew
24 that we probably would be in this kind of situation that
25 we're in right here today. That's why her documentation is

1 recommendation of training isn't working, if working with
2 HR and having one-on-ones is still creating this type of
3 documentation to try to set me up to be in this position,
4 then, you know, what can I do?

5 So yes, I remember asking for a mediator to step in to
6 our one-on-ones to see if that could help. Now, a mediator
7 could be internally or externally. But in this situation,
8 I was looking for someone externally to come and help. So
9 yes, I remember this email very well, and I don't regret
10 sending it. And I think that this was the right thing to
11 do, despite what ended up happening, which is I didn't get
12 the help I wanted. But I remember sending this email.

13 Q. Had you had prior experience working with a mediator?

14 A. Not me personally. No, not me personally, no.

15 Q. But that was something that Hewitt, you had experience --
16 that was an option that you knew about from your time at
17 Hewitt; is that correct?

18 A. That's right, because I worked on the Diversity and
19 Inclusion Network. Back then we really wanted to work with
20 diversity because there were some diversity issues back
21 then, and it was something that they decided; that they
22 wanted to create this Diversity and Inclusion Network.

23 And as a part of that, I learned about how to resolve
24 any issues related to diversity inclusion. And as a part
25 of that, EEOC came up, mediation came up, and I understand



1 were managers except me, and Rick Stovall was a project
2 manager, but he left the company. Either -- I think he
3 resigned. So that just left me. So when I left, I was the
4 only person that was not a manager on the ITGC audit
5 committee.

6 Q. Okay. Who else was on the audit committee?

7 A. Bryan Jackson; Arthur Thomas; Allen -- I forget his last
8 name -- Allen Olive, I believe his last name is, Allen
9 Olive; Brenda Simpson, and I believe that's it.

10 Q. I know that Brenda was two levels above your chain of
11 command. Did the other managers report to Brenda, or would
12 they have been her peers?

13 A. They reported to Brenda. Brenda was the director at the
14 time.

15 Q. Now, in balancing your various duties and assignments, how
16 did you set priorities? How did you decide what needed to
17 be done immediately and what could be done in a couple of
18 days?

19 A. So the number one priority has always been production
20 support. That's always the number one priority, so tickets
21 are the number one priority. And we have different
22 severity levels in tickets. We have level 1, which means
23 that the sky is falling; and we have level 2, which is a
24 very, very high severity; and then we have level 3 and 4.

25 So if it was a level 2 or a level 1 situation, that

1 to wake up at 8:00 in the morning after getting in bed at
2 4:00 a.m. and reassign tickets, and then be held
3 accountable for not reassigning that ticket after only
4 having a few hours of sleep. And that's what I mean it
5 really depends.

6 I believe because I am Black, there were certain
7 restrictions or certain things that they wanted me to do
8 that they knew -- that Kopal knew -- I want to say Kopal --
9 that Kopal knew I may not be able to do because of the four
10 different leadership roles that I had in IT because of the
11 long hours, the only person on the team that worked 20
12 hours in one night -- in one day, that worked 13, 14 hours
13 in a day.

14 So yes, I understand that all of these things -- all
15 of these things, they look to be something that's
16 reasonable when you look at it from that perspective. But
17 you have to remember when it is a person who's working
18 overnight, when it's a person that has four different
19 leadership roles in IT, the only person, the only
20 African-American, the only Black person that does, and if
21 you look at this list -- you answer me. Do you think that
22 that's something that is reasonable?

23 So a lot of times I wanted to make sure that the
24 management team knew that I could get through these things,
25 but it may not be four hours, you know, after it happened.

1 and acumen, right? They chose me to be The Home Depot
2 relationship manager for a reason, because I do all these
3 things. And, again, on past performance reviews you'll see
4 that I exceeded expectations in doing so.

5 So because I'm Black now and that I have Kopal as a
6 manager now, now I'm coming into question on whether or not
7 I'm able to meet these expectations. But this was never an
8 issue in the past. For the eight years that I worked at
9 Electrolux before Kopal came on board, I never had a
10 problem with any of these things. It happened after she
11 came on board, and she discriminated against me because I'm
12 Black. That's the bottom line. There's no other way that
13 I can think of any reason why I wouldn't be able to meet
14 any one of these expectations.

15 MR. ALEXANDER: Let's scroll on down.

16 Q. (By Mr. Alexander) And then section 3 is entitled,
17 "Openness - Cross-Collaboration and Growth - Coaching
18 Others," and there are some expectations under that. I
19 would just ask you to look over that list, Mr. Flowers, and
20 tell me if there are any expectations there that you think
21 are unreasonable.

22 A. Yes, I think these expectations are reasonable.

23 Q. Now, you mentioned that you thought that this was -- that
24 Kopal wanted to terminate you because you were Black.
25 Brenda Simpson was in that meeting too, I believe; is that

1 Q. Okay.

2 A. But because I'm Black, I feel that there was more pressure
3 put on me to get it done right the first time, no
4 exceptions. I don't remember any of my other team members
5 being held to the same standard that I was held to, and
6 that's why you have all of these bullet items. I don't
7 know of any other team member that's the perfect team
8 member that -- I don't know if they have these same types
9 of bullet items on everything that they did. It was really
10 just me. I'm the person that was singled out. There was
11 nothing that I could do right, and that's because I'm
12 Black.

13 Q. With respect to your other team members, were you involved
14 or do you have any personal knowledge --

15 THE COURT REPORTER: "Do you have any" --

16 A. I'm sorry?

17 Q. -- personal knowledge of their work on user stories?

18 A. Yes, I could see other people's user stories, other team
19 members' user stories and things like that.

20 Q. Okay. So everybody --

21 A. And I actually ran a report on the number of user stories
22 that were created, and at that time I had probably three
23 times the amount of user stories completed than my team
24 members did. And that's data that we can get from doing a
25 SharePoint query very easily, but I completed more user

1 stories quicker than any of my team members. If that data
2 still exists in the Electrolux system, I'm sure we can get
3 that information out, but that's a fact.

4 On my performance review -- my 2019 performance review
5 that I completed, I outlined all the things that are due in
6 this document here on that performance review, and I showed
7 the proof and where to find the proof that all this stuff
8 was completed in a timely manner with no issues.

9 So I'd love to be able to present that at some point
10 because I haven't seen my 2019 performance review yet
11 because it hasn't been signed off and completed by Kopal.
12 And, again, I think that's because I'm Black.

13 Q. Looking at little "b" here, it is, "CAB documentation and
14 rotation." Let me ask you just to look at the four little
15 items under that and tell me if they are accurate or if you
16 think they are inaccurate.

17 A. I'm not very certain on the exact dates, but that looks to
18 be what we discussed for CAB documentation and rotation.

19 MR. ALEXANDER: All right. If you could scroll
20 up a little bit more, Ben.

21 Q. (By Mr. Alexander) Then we come to the last part,
22 "Openness - Cross-Collaboration and Growth." Under
23 number 4 it says, "Respond to and address management
24 questions and concerns timely." And then little "a"
25 involves an email from Brenda.

1 Just take a look at that and the little three Roman
2 numerals under it. Tell me if that's accurate.

3 A. I'm not 100-percent sure about the dates, but that -- I'm
4 not 100-percent sure about the dates, but it looks like
5 they're asking if I responded to an email in a timely
6 manner. And, again, I think that it's that level of
7 scrutiny because I'm Black, but I don't totally recall
8 whether or not those dates are correct or responding to an
9 email is -- I'm not 100-percent sure of the accuracy of
10 that. I don't remember if I was -- I don't remember
11 that -- that -- I don't remember an email that I sent or
12 did not respond to, I'm sorry.

13 Q. And then little "b" under that, that email from Kopal
14 regarding exchanging MSDN licenses with Ravi. Are the two
15 little points under that accurate or not?

16 A. Yes, that could be correct. I may have -- I don't remember
17 the dates, but I may have reassigned it maybe a day or two
18 later, maybe. But I do remember that situation. That's
19 the scenario where they were taking the MSD license from me
20 and giving it to a team member, and I believe that's
21 because she didn't want me to have the same access to the
22 tools and education as the rest of my team members. And,
23 again, I think that's because I'm the only Black person on
24 the team. So she wanted to take away things from me and
25 give them to other team members, and that's just what my

1 experience has been like since she's been my manager. So
2 yes, I do remember that.

3 Q. Well, wasn't there something about Ravi working on a
4 conversion project that required that he have use of that
5 license?

6 A. Yes, that is what she said.

7 Q. But you do not believe that to have been true?

8 A. That is what she said.

9 Q. Well, all right. Help me out here. You previously
10 suggested she did it because you're Black, and then you
11 say, "Well, this is why she said she did it." Are you
12 saying that Ravi did not have the urgent need for the
13 license that she described?

14 A. I think -- I want to make sure that -- I believe that the
15 reason -- the main reason why there was such an urgency for
16 me to do it and the whole reason why she did it in the
17 first place was because she wanted to be able to take
18 access away from me and give it to someone else, and I
19 believe that she did that based on me being Black.

20 Q. Why do you believe that?

21 A. Because I'm the only Black person on the team and I'm the
22 only person on the team that I know that licenses were
23 taken from me and given to other people. I don't remember
24 that happening to anyone else on the team, and that's the
25 reason why I believe that.

1 Q. Okay. All right. Number 5 here says, "Provide weekly
2 status reports to manager every Friday." And then there
3 are some -- and "a" under that says that you were not
4 meeting expectations, and then there's a list of six items
5 below that.

6 A. Yes. Yes, I'm very familiar with the weekly reports. The
7 weekly status reports, I'm very familiar with those. I
8 completed them every week, and this is something that I had
9 to do and the rest of my team members also had to do. The
10 only difference is they never completed theirs or they only
11 did them every once in a while, where I was required to do
12 them every single Friday. And then when I did do them,
13 they were never good enough.

14 I always had to change the format. It even got to the
15 point where the format color had to be a specific color.
16 Otherwise, I would receive an email stating that, "You
17 forgot to put -- to use a red -- highlight this in red" or
18 "Why did you put this in bold? Why is that in this box?
19 It should be in another box."

20 It was very, very nitpicky, and I'm the only team
21 member that they did that with. The rest of my team
22 members were not held to the exact same thing, only me, and
23 I believe that's because I'm Black and the rest of my team
24 members are not.

25 That's the reason why I had to make sure that my

1 A. She -- yes, Brenda Simpson did rate me as "meet
2 expectations," and the reason for that is after some time,
3 managers were told by HR or managers were instructed by
4 someone in high ranks that when they rank someone, they
5 can't rank them beyond "meet expectations" anymore. They
6 could only rank -- the highest they could rank is "meet
7 expectations." It was very hard to find someone that
8 exceeds expectations anymore. They could only meet
9 expectations.

10 So yes, she ranked me as a "meet expectations," but at
11 that time that was the highest ranking that any employee
12 would ever get, is a "meets expectations." And I know that
13 there's data to support that within IT. I can guarantee
14 you, if we pull all the performance reviews for everyone in
15 that same year, everyone is either "meet" or "below
16 expectations." No one exceeds anymore.

17 But here she rated me as a "meet," and if you have a
18 "meet expectations," that's great. That wasn't a bad
19 performance review. That was a good performance review.
20 And if you read the comments that she wrote, it's always
21 going to be something shining and glowing because I've
22 always received good performance reviews.

23 Q. Now, you were Black when she gave you those performance
24 reviews, weren't you?

25 A. I was absolutely Black, that's correct.

1 Q. Let me take you back to what we were discussing a minute
2 ago about this license issue. Now, when your license, MSDN
3 license, got transferred to Ravi, didn't his license get
4 transferred to you?

5 A. I'm not 100-percent sure. I don't remember all the
6 specifics, but I remember that I had an MSDN license and
7 she wanted me to assign it to Ravi. That's what I
8 remember.

9 Q. And didn't you have a different version from him?

10 A. I don't remember all the details. I really don't remember
11 all the details.

12 Q. But this did not affect your access to the system, did it?

13 A. I don't think I was able to do some of the work that I
14 wanted to complete, and I don't recall exactly what that
15 work was. Again, I'm a person that had four different
16 roles, so I don't remember, I'm sorry.

17 Q. Turning back to this document, the last item on here, 6
18 says, "Include manager on all vendor and customer
19 communication." And then there's some mention of emails to
20 the -- THD, I believe, is The Home Depot; is that correct?

21 A. Yes, that is correct.

22 Q. Regarding MPLS circuit. What does "MPLS" stand for?

23 A. I don't remember right now, but it's a type of dedicated
24 circuit between The Home Depot and Electrolux, but I don't
25 remember what MPLS stands for specifically, but it's a type

1 of circuit, communication circuit, between two companies.

2 Q. And this document --

3 A. Most --

4 THE COURT REPORTER: I'm sorry?

5 A. Go ahead. Please go ahead. I'm sorry. You can strike
6 that. Please go ahead.

7 Q. Underneath that, there seems to be a list of some dates of
8 emails that apparently your manager was not copied on; is
9 that accurate?

10 A. Yes, that -- yes, that is correct.

11 MR. ALEXANDER: Is there anything else on the --
12 scroll down. Okay, all right. That concludes that. All
13 right.

14 Q. (By Mr. Alexander) So what did you take away from this
15 screening once you got this report?

16 A. I took away that they were trying their best to build a
17 case to fire me because I'm Black and they had nothing else
18 to do, so they would write on a performance review that I
19 didn't include someone on an email or I didn't respond to
20 an email in a timely manner.

21 The only problem with that is that not every employee
22 in IT is held to that standard. You literally read it
23 yourself. I was put on a performance review because I
24 didn't respond to an email in a timely manner, a person
25 that has four different roles, a person that works 20 hours

1 in some days doesn't respond to an email in a timely
2 manner.

3 So when you talked earlier and you asked me about -- a
4 question about if I recall -- or do I believe that I meet
5 expectations, I told you that it depends. It really
6 depends because if the expectation is that I respond to
7 every email in two hours, I'm not going to meet that
8 expectation. I don't know who in corporate America can
9 ever meet that type of expectation where you're judged
10 based on how quickly you respond to an email, if you add
11 someone to an email thread, when you receive -- I can
12 verify that I received 300 emails in a day. I can receive
13 300 emails in one day. I can receive 100 emails and
14 respond to 60 emails in one day because I have four
15 different roles.

16 So the expectations being met, are they expectations
17 that any employee could ever meet? Any employee that has
18 as many roles that -- has as many positions as I had, it's
19 very hard to meet an expectation of answering every email
20 that you're sent. That's very, very difficult to --
21 throughout your working day.

22 Again, you know, in the roles that I had and the
23 positions that I had, doing town hall meetings, all of
24 these things and adding my manager to every single email is
25 not a reasonable expectation, but that's what I was fired

1 A. I remember seeing this document. Yes, I do remember seeing
2 that.

3 Q. Do you recall a meeting in which this document was
4 presented?

5 A. I believe this is the day they fired me.

6 Q. Tell me about that meeting.

7 A. It was a regular meeting. I walked to HR, and I -- I don't
8 know if I was with Kopal or not. I think I was with Kopal.
9 I'm not sure, but I went to HR to have a regular -- I
10 thought it was like a regular status update meeting, and
11 the meeting room was being used by someone else. So we
12 then walked to another conference room towards the front of
13 the building. So Kopal, Brenda, Naomi, and I walked to
14 that conference room, and we had a meeting. And they
15 presented this and terminated me.

16 Q. So in presenting this, who made the presentation?

17 A. I don't remember exactly who gave it to me. Naomi, maybe.
18 Naomi or Kopal gave it to me.

19 Q. Okay.

20 A. Naomi? It may have been Naomi gave it to me.

21 Q. In looking at the items on here, item 1 involves issues
22 surrounding user stories, in particular, the priorities
23 that you --

24 A. Yes.

25 Q. -- prepared them. Did that happen? Is that an accurate

1 A. I have type II diabetes.

2 Q. Do you recall when you were first diagnosed with that?

3 A. It had to be somewhere around 2015, at least I think. Yes,
4 the last five years or so.

5 Q. What types of symptoms does this cause you to suffer from?

6 A. Frequent urination. Sometimes I see spots. When I'm
7 looking at something, I'll see spots if my blood sugar is
8 too high. So those are the two main symptoms that I see.

9 Q. Now, it's my understanding that there is not a cure for
10 diabetes, although there are some drugs that are helpful in
11 treating it; is that correct?

12 A. Yes, that is correct. You can keep it under control with
13 diet, but you can't entirely just eliminate it. But you
14 can definitely keep it under control with exercise and
15 diet.

16 Q. With some sorts of chronic diseases like, for instance, MS,
17 someone can have a real big problem, a big flare-up, and it
18 is very debilitating for a period of time. Does diabetes
19 affect you that way?

20 A. Yes, it can. If it's a flare-up, it can affect me that
21 way, yes.

22 Q. In the years since your diagnosis, how many times have you
23 had one of those flare-ups?

24 A. The most severe flare-up I've ever had was at Electrolux in
25 2019.

1 I'm going to, what kind of workouts I'm doing. So I'd tell
2 anyone I could about my diabetes and where I'm at. I've
3 been doing that since I was diagnosed.

4 I found out that I had diabetes at Electrolux. Back
5 in 2015 -- okay, so every single year Electrolux brings
6 hospitals in to take your blood and go through your vitals,
7 and it's like an Electrolux health fair. They did it once
8 a year. So they came in, and they did my vitals. And the
9 guy had told me, he said, "I need you to sit down in this
10 room." This is in 2015.

11 I said, "What's up?"

12 He said, "You have diabetes."

13 And I said, "I have diabetes?"

14 He said, "Yeah, you have diabetes, so you need to go
15 to the hospital, and you have very high blood pressure."
16 This is inside of Electrolux, inside the actual
17 headquarters. He said, "You have diabetes, and you have to
18 go to the hospital right now. The ambulance is about to
19 come pick you up."

20 And I said, "I don't have a problem with diabetes.
21 I've never" -- I didn't know I had it. I had it probably
22 for years and didn't even know.

23 So he said, "The ambulance can't take you." This is
24 the guy that doesn't work for Electrolux. It's someone
25 that works for the health fair company. He said, "We were

1 going to get an ambulance for you, but if you can find
2 someone that can take you, we'll allow them to take you
3 directly to the emergency room." And this happened in
4 Electrolux.

5 So I called my team member, Adrian Seagers, who was
6 terminated for stealing from the cafeteria. I contacted
7 him 'cause he had diabetes, and I said, "Hey, I'm having an
8 episode down here. They told me I have diabetes."

9 He said, "Really?"

10 I said, "Yes." And he took me to the hospital -- to
11 the emergency room, and that's when I was prescribed
12 medication, Metformin, for the first time, and I was given
13 Lisinopril as my heart medication.

14 Q. Okay.

15 A. So everyone knew I had diabetes because when they saw me --
16 when they move you from the main area where you get your
17 vitals taken to a side room, everyone at Electrolux who's
18 there at the time, they know that there's a problem.

19 So the next day when I came back to work, everyone was
20 like, "Hey, Joe, are you okay? What's wrong?"

21 And I told everyone, "I just diagnosed with diabetes,
22 didn't even know I had it."

23 He'd go, you know, "Glad you went," because I was
24 walking around for a long time and didn't even know I had
25 diabetes, so everyone knew that I had diabetes.

1 A. Some of it was related to diabetes. Yes, some of it was.

2 Q. In your communications with the company when you were out
3 on those days that were related to diabetes, you didn't
4 make any mention of it being related to diabetes, did you?

5 A. No, I didn't send an email saying, "Because of my diabetes,
6 I can't come to work today." I did not. I never sent an
7 email like that. No, I never sent that type of email, but
8 I may have sent an email saying that, "I'm not feeling well
9 today, so I can't make it in to work."

10 Q. And did anyone in management know that that three-day
11 hospitalization was related to diabetes?

12 A. Yes.

13 Q. Who would have known that?

14 A. My manager, Kopal.

15 Q. How would she have known that?

16 A. I remember sending her a message letting her know that I
17 was in the hospital. And I remember when I came back to
18 work, I told the entire team in our team meeting that --
19 what happened.

20 Q. All right. I understand that you believe you were treated
21 differently because of your diabetes. Has anyone ever told
22 you that or made a remark that causes you to believe that?

23 A. No one ever said -- no one ever said to me plainly, "I'm
24 going to discriminate against you because you have
25 diabetes." But one thing that I can say is that I was

1 Working in diversity for all the years -- the years
2 that I have, working with people who have suffered racism
3 along with me all of these years, I know what racism feels
4 like. When you're treated differently than anyone else on
5 the team and there's no real -- there's no real reason for
6 it, you don't understand where that's coming from, it has
7 to -- I know it's race.

8 I know I was treated unfairly because I'm Black
9 because all of my past performance has always been stellar.
10 I've never had a problem with anybody on the management
11 team ever related to performance. I've always had
12 excellent performance reviews. If you pull up my 2019
13 performance review that I did, if Kopal completed it, which
14 she most likely did because she's probably required to, I
15 can guarantee that she has good comments about my
16 performance. And that's not going to jibe with what she
17 put on my PIP. It's a guarantee. I know that this has to
18 do with racism. I know it's because I'm Black that I've
19 been terminated. I know that for a fact.

20 Q. Okay.

21 A. It's not my performance. It's because I'm Black.

22 Q. And you have explained why you believe that. Is there any
23 other reason that you have not talked about yet?

24 A. Let me think about that. It's because of the way that I
25 was treated, how I was treated differently than the rest of

1 my team members. The PIPs that I was put on, I think I was
2 put on those PIPs because I was African-American and I had
3 a disability. That's what I believe, because there's no
4 other reason to explain why there is a discrepancy between
5 what's on my performance review and the reason why I was
6 terminated.

7 Q. Let me ask this: Are you aware of any White employees who
8 you believed had similar performance to you and you think
9 were treated differently?

10 A. I don't know if I can answer that question. I don't know
11 their -- anybody else's situation. I can only speak of my
12 situation, so I can't answer that question.

13 Q. Did you complain to anyone in HR specif- -- and I know that
14 your lawyer wrote a letter.

15 A. Yes.

16 Q. But prior to that, had you complained to anyone at HR
17 specifically about either race discrimination or disability
18 discrimination?

19 A. Well, let me think about that for a minute. Let me think
20 about that. I don't think that I ever specifically said
21 it's because I'm Black or because I have a disability.
22 I've only had one or two communications with HR, and that
23 was after Kopal became my manager. And that's when I
24 reached out for help to HR, and that's -- after that, I
25 asked for a mediator to come in to help us to try to get to

1 the bottom of what was going on.

2 And out of those conversations I expected to have a
3 conversation about being discriminated against because of
4 race and because of disability, but unfortunately
5 Electrolux did not give me the opportunity to get a
6 mediator, so those conversations were never had.

7 Q. Did you work with or when you were at Electrolux, were you
8 acquainted with someone named Robert Kean?

9 A. Robert Kean?

10 Q. Yes.

11 A. Yes. Actually, I was at -- yes, that is correct, yes.

12 Q. Was he ever on your team?

13 A. Yes, he actually came under our team after Kopal was hired,
14 yes.

15 Q. Did you ever raise any concerns about his work performance?

16 A. There were some issues with Robert Kean's performance in
17 the past, so before -- can I just give you some background?

18 Q. Sure.

19 A. So before Kopal was hired, Brenda Simpson, who I reported
20 to at the time, said that she was having problems with
21 Robert Kean getting work completed; he had dropped the ball
22 on something. So she wanted me to pick up what he was
23 doing and try to work with him on getting these -- this
24 task completed.

25 And then after Kopal came on board, I think she was

1 brought up to speed on some of the people on the team or
2 something, I don't know, but I believe Kopal had come to me
3 and asked me to help Robert on a project or something like
4 that, so I helped him with a project. But I never was
5 involved with grading a performance review or even
6 reviewing any performance reviews of Robert Kean or
7 anything like that, but I have had conversations, and that
8 was more about coaching and helping.

9 So I was more there to help Robert Kean, but it wasn't
10 anything that ended up on a performance review that I know
11 of. I didn't participate in any performance reviews for
12 Robert, but I know that he did need help at some point, and
13 I did help him.

14 Q. Now, you indicated, I believe, that Naomi Sinclair was
15 there at -- through various meetings that occurred
16 regarding the performance improvement plan.

17 A. Yes, that is correct.

18 Q. Was she an HR person who replaced Alexa Moor?

19 A. I believe so. I don't know if she replaced Alexa Moor, but
20 I know that after Alexa went, IT worked with Naomi. I
21 believe she already worked there, so I don't know if she
22 like replaced -- I don't know. I don't understand that. I
23 know that she worked with IT after Alexa.

24 Q. Okay.

25 MS. GESSNER: I didn't get a chance to get an



1 A. -- I've been at Electrolux --

2 MS. GESSNER: Jobbie, let me get my objection.
3 Object to form. Answer the question if you understand it.

4 THE WITNESS: Okay.

5 Q. (By Mr. Alexander) You can go ahead and answer,
6 Mr. Flowers.

7 A. Yes, Mr. Alexander, I think there was only one year that I
8 did not receive a raise after my performance review, and
9 that's because company-wide that year no one received
10 increases because the company's performance didn't do well,
11 so they didn't have the money to give out raises that year.
12 And I believe that was the -- my very first year after I
13 was hired, but every other year I would get an increase.
14 Sometimes it was a really good increase and sometimes it
15 wasn't a so-great increase. It really depended on how the
16 company performed that year.

17 Q. Okay. And did increases take effect the same time every
18 year?

19 A. I'm not 100-percent sure. It really depended on what was
20 happening that year. I believe so. See, the reason why
21 I'm giving you these answers, Mr. Alexander, is I've worked
22 there for nine years and I've had a few managers over those
23 nine years, and sometimes I didn't have a manager. So the
24 frequency wasn't always the same, unfortunately, right?

25 One manager may be able to complete everything by